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SAMS, MATTHEW C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,686

Applicant(s)

PEARSON ET AL.

Examiner

MATTHEW SAMS

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,44,54-59,61-68 and 88-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43,44,54-59,61-68 and 88-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/22/2010 has been entered.

Response to Amendment

2. Claims 43, 44, 61 and 88-91 have been amended.

Response to Arguments

3. Applicant's arguments with respect to claims 43, 44, 54-59, 61-68 and 88-91 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 88 is rejected under 35 U.S.C. 102(e) as being anticipated by Appelman (US-7,031,698).

Regarding claim 88, Appelman teaches a method comprising:

at a computing device associated with a subscriber (Col. 6 lines 53-67 *note*: the Examiner views the docking cradle that can communicate with an IP network to incorporate the computing device and the computing device logic), detecting that a mobile telephone associated with the subscriber is in electrical contact with a charging device coupled to the computing device; (Col. 2 lines 32-49, Col. 4 lines 44-67 and Col. 5 lines 22-58)

sending a first call redirection message from the computing device to a call redirection service (Col. 5 line 64 through Col. 6 line 40 and Col. 6 lines 53-67), wherein the first call redirection message indicates that calls directed to a mobile telephone number of the mobile telephone are to be redirected to a telephone number of a telephone device within a proximity zone associated with the computing device; (Col. 6 lines 25-34)

detecting that the mobile telephone is no longer in electrical contact with the charging device coupled to the computing device; (Col. 5 lines 22-53) and

sending a second call redirection message from the computing device to the call redirection service, wherein the second call redirection message cancels the redirection of calls to the telephone number. (Col. 2 lines 32-49, Col. 7 lines 1-8, Col. 8 lines 33-37 and lines 51-55)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 43, 44, 90 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor (US-7,006,833) in view of Appelman (US-7,031,698) and Wilhoite (US-2003/0224795 hereinafter, Wilhoite).

Regarding claim 43, Contractor teaches a system for manipulating call redirection (Abstract and Col. 1 line 51 through Col. 2 line 40), the system comprising:

a proximity zone database (Fig. 3 [114 & 116]) storing proximity zone data received from one or more of a mobile telephone of a subscriber and a computing device associated with the subscriber; (Fig. 4 [407-408] and Col. 9 lines 33-44) and

a call direction control system (Fig. 3 [114]) coupled to the proximity zone database (Fig. 3 [116]) to redirect calls directed to a primary destination address (Col. 9 lines 12-14) of the subscriber (Col. 9 line 65 through Col. 10 line 6 and Fig. 4B [410]):

to a first selected address when the proximity zone data indicates that the subscriber is in the first proximity zone (Col. 7 lines 57-67), wherein the first selected address is a telephone number of a device in the first proximity zone; (Col. 7 line 64 and Col. 9 lines 54-65)

to a second selected address when the proximity zone data indicates that the subscriber is in the second proximity zone (Col. 7 line 38 through Col. 8 line

9), wherein the second selected address is an email address associated with the second proximity zone; (Col. 7 line 64) and

to a third selected address when each of the plurality of proximity zone sensors indicates that the proximity indicator is not detected within the proximity zone associated with the respective proximity sensor (Col. 10 lines 6-10), wherein the third selected address is associated with a mobile communication device of the subscriber. (Col. 10 lines 10-13)

Contractor differs from the claimed invention by utilizing "proximity sensors" instead of a cradle that is coupled with a computing device, with the cradles requiring electrical contact with the mobile communication device of the subscriber to determine proximity information.

In an analogous art, Appelman teaches a method and system for communicating forwarding information based on the device being physically detected at a location (Abstract) that includes using a cradle that electrically contacts the mobile communication device (Fig. 1 [112 & 112a]) and communicates a redirection message through a computing device. (Col. 2 lines 32-49, Col. 4 lines 44-67, Col. 6 lines 13-33 and lines 53-67 *note*: the Examiner views the docking cradle that can communicate with an IP network to incorporate the computing device and the computing device logic)

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based call forwarding system of Contractor after modifying it to incorporate the use of a cradle for detecting and triggering location based call forwarding of Appelman since cradles are well known

devices that are typically used for storage/recharging a battery and are typically placed in locations where a user spends large amounts of time (*i.e.* located at home and at work).

Contractor in view of Appelman differs from the claimed invention by not explicitly reciting determining the proximity zone data from the mobile telephone indicates that the mobile telephone is in communication with a wireless network access point.

In an analogous art, Wilhoite teaches a proximity based call forwarding and transferring system (Abstract and Page 2 [0013]) that includes determining proximity zone data of a subscriber from their mobile telephone based on whether they are in communication with wireless network access points associated with specific proximity zones. (Page 3 [0023], Page 4 [0040] "When the signaling center 12 receives a message from an IP antenna that an identified subscriber mobile phone is in good communication with the IP antenna" *note*: an IP antenna + router = a wireless network access point, specially since it is provided access to the Internet, Page 5 [0048], Fig. 1 [14, 16 & 105], Pages 4-5 [0042] and Page 6 [0050 & 0055-0057])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based call forwarding of Contractor in view of Appelman after modifying it to incorporate the use of wireless network access points instead of proximity sensors of Wilhoite since wireless network access points not only provide proximity detection (Page 3 [0023] and Pages 4-5 [0042]) but also provide access to the Internet. (Fig. 1 [105] and Page 2 [0013])

Regarding claim 44, Contractor in view of Appelman and Wilhoite teaches the proximity zone is a home proximity zone associated with a home of the subscriber (Contractor Col. 11 lines 14-30) or a work proximity zone associated with a work place of the subscriber. (Contractor Col. 11 lines 31-33)

Regarding claims 90 and 91, Contractor in view of Appelman and Wilhoite teaches the particular wireless network access point is an 802.11 wireless network access point or a Bluetooth access point. (Wilhoite Page 5 [0048] "Bluetooth and 802.11")

8. Claims 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Appelman and Wilhoite as applied to claim 43 above, and further in view of Gross et al. (US-6,389,117 hereafter, Gross)

Regarding claim 54, Contractor in view of Appelman and Wilhoite teaches redirecting a call to the mobile telephone number of the mobile of the subscriber (Contractor Col. 3 lines 35-38 & Col. 9 lines 12-14) based on the user location (Contractor Col. 9 line 65 through Col. 10 line 6 *i.e.* proximity zone data), the call direction control system receives the call. (Contractor Fig. 4A [403]) Contractor in view of Appelman and Wilhoite differs from the claimed invention by not explicitly reciting placing a second call and prompting the subscriber to select an action to be taken with respect to the call after the subscriber answers the second call.

In an analogous art, Gross teaches a system and method of using a single telephone number to access multiple communication services that includes receiving a call, placing a second call to the selected address (Col. 16 lines 33-34) and prompting

the subscriber to select an action to be taken with respect to the call after the subscriber answers the second call. (Col. 16 lines 16-37 and Fig. 8)

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Appelman and Wilhoite after modifying it to incorporate a user menu for call action/inaction of Gross. One of ordinary skill in the art would have been motivated to do this since even if a subscriber is using location based routing, a subscriber might find it temporarily inconvenient to always answer the phone.

Regarding claim 55, Contractor in view of Appelman, Wilhoite and Gross teaches connecting the first call and the second call to allow the caller to engage in a conversation with the subscriber if the selected action indicates to forward the call. (Gross Col. 16 lines 16-37)

Regarding claim 56, Contractor in view of Appelman, Wilhoite and Gross teaches after receiving the call, the call direction control system prompts a caller to provide the caller's name and stores a data record including the caller's name. (Gross Col. 16 lines 31-33)

Regarding claim 57, Contractor in view of Appelman, Wilhoite and Gross teaches after placing the second call, the call direction control system accesses the data record including the caller's name and plays an announcement to the subscriber that includes the caller's name before prompting the subscriber to select the action. (Gross Col. 16 lines 33-37)

Regarding claim 58, Contractor in view of Appelman, Wilhoite and Gross teaches the action is selected from a first option to answer the call and a second option to route the call to voice mail. (Gross Fig. 8 and Col. 16 line 28-37)

Regarding claim 59, Contractor in view of Appelman, Wilhoite and Gross teaches the action includes redirecting the call (Gross Col. 16 lines 36-37) to an electronic mail address of the subscriber. (Contractor Col. 7 lines 60-67 and Col. 10 lines 6-13)

9. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Appelman.

Regarding claim 61, Contractor teaches a method of processing a call (Abstract and Col. 1 line 51 through Col. 2 line 40), the method comprising:

a proximity zone database (Fig. 3 [114 & 116]) determining proximity zone data of a subscriber based on a call redirection message received from one of a plurality of computing devices associated with the subscriber; (Fig. 4 [407-408] and Col. 9 lines 33-44) and

storing proximity zone data; (Fig. 4 [407-408] and Col. 9 lines 33-44) and
redirecting calls directed to a mobile telephone number of a mobile telephone associated with the subscriber based on the call redirection message, (Col. 9 line 65 through Col. 10 line 6 and Fig. 4B [410])

wherein the call redirection message indicates that the calls directed to the mobile telephone number are to be redirected to:

to a first telephone number of a first telephone device within the first proximity zone when the proximity zone data indicates that the mobile telephone

and the subscriber are in the first proximity zone; (Col. 2 lines 1-11, Col. 7 lines 57-67, specifically line 64 "telephone number" and Col. 9 lines 54-65)

to a second telephone number (Col. 7 lines 62-67) of a second telephone device within the second proximity zone when the proximity zone data indicates that the mobile telephone and the subscriber are in the second proximity zone. (Col. 2 lines 1-11, Col. 7 line 38 through Col. 8 line 9)

Contractor differs from the claimed invention by utilizing "proximity sensors" instead of a cradle that is coupled with a computing device, with the cradles requiring electrical contact with the mobile communication device of the subscriber to determine proximity information.

In an analogous art, Appelman teaches a method and system for communicating forwarding information based on the device being physically detected at a location (Abstract) that includes using a cradle that electrically contacts the mobile communication device (Fig. 1 [112 & 112a]) and communicates a redirection message through a computing device. (Col. 1 lines 34-45 *i.e.* canceling call forwarding, Col. 2 lines 32-49, Col. 4 lines 44-67, Col. 6 lines 13-33 and lines 53-67 *note:* the Examiner views the docking cradle that can communicate with an IP network to incorporate the computing device and the computing device logic)

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based call forwarding system of Contractor after modifying it to incorporate the use of a cradle for detecting and triggering location based call forwarding of Appelman since cradles are well known

devices that are typically used for storage/recharging a battery and are typically placed in locations where a user spends large amounts of time (*i.e.* located at home and at work). (Appelman Col. 6 lines 13-23)

10. Claims 62, 63 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Appelman as applied to claim 61 above, and further in view of Trioano et al. (US-2006/0136546 hereinafter, Trioano).

Regarding claim 62, 63, 65 and 67, Contractor in view of Appelman teaches the limitations of claim 61 above, but differs from the claimed invention by not explicitly reciting the use of an application layer communication protocol, a Remote Procedure Call, a Simple Object Access Protocol message or HTTP.

In an analogous art, Trioano teaches a triggering system to initiate communications in a mobile network (Abstract) that includes the use of SOAP messaging (Page 5 [0065]), which inherently is an application layer communication and relies heavily upon Remote Procedure Call and HTTP for implementation. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Appelman after modifying it to incorporate the use of SOAP as a triggering message of Trioano since it is based on XML and is a lightweight protocol for communication between web services in computer networks.

Regarding claims 66, Contractor in view of Appelman and Trioano teaches the use of electronic mail message. (Trioano Page 2 [0015 & 0018])

11. Claims 64 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Appelman as applied to claim 61 above, and further in view of Khan et al. (US-2002/0165988 hereinafter, Khan).

Regarding claim 64, Contractor in view of Appelman teaches the limitations of claim 61 above, but differs from the claimed invention by not explicitly reciting the use of InterProcess Communication messages.

In an analogous art, Khan teaches a mechanism for retrieving network content that includes using Interprocessor communications. (Page 15 [0175]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Appelman after modifying it to incorporate the Interprocessor communication messaging of Khan since it enables easy communication between server applications.

Regarding claim 68, Contractor in view of Appelman and Khan teaches the use of file transfer protocol messages. (Khan Page 16 [0182-0183])

12. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman in view of Aoki et al. (US-2003/0161099 hereinafter, Aoki).

Regarding claim 89, Appelman teaches the limitation of claim 88 above, but differs from the claimed invention by not explicitly reciting the charging device is coupled to the computing device via a universal serial bus (USB) connection, and wherein the charging device supplies energy to a battery of the mobile telephone when the mobile telephone is in electrical contact with the charging device.

In an analogous art, Aoki teaches a cradle (Fig. 2 [9]) that includes a USB cable (Fig. 2 [92]) for connecting to a personal computer (Page 1 [0009]) and includes the ability to charge a battery (Page 1 [0009] and Page 2 [0035]) of a connected portable information terminal. (Fig. 1 [8])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the ability to trigger the forwarding of telephone calls based on placement within a docking station of Appelman after modifying it to incorporate the ability to charge devices connected to a docking station through a USB cable interface of Aoki since the USB interface has been universally integrated into personal computers, thereby providing a charging convenience and data sharing compatibility between many devices.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW SAMS/
Primary Examiner, Art Unit 2617